

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN(JACKSON) DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 3-68-CV-4256

FRANKLIN COUNTY SCHOOL DISTRICT, et al.

DEFENDANT

**DEFENDANT'S UNOPPOSED EMERGENCY MOTION TO SEAL
DOCUMENT**

COMES NOW, Defendant, Franklin County School District (hereinafter “the District”), by and through counsel, and files this its *Emergency Motion to Seal Document* pursuant to Federal Rule of Civil Procedure 79; Local Uniform Civil Rule 79; Federal Rule of Civil Procedure 5.2; and Local Uniform Civil Rule 5.2 and in support thereof shows as follows:

1. The District filed its *Motion for Unitary Status* [Doc 9] on December 22, 2015.
2. The United States Department of Justice (hereinafter “DOJ”) removed all opposition to the District’s *Motion for Unitary Status* by advisement to the Court at the hearing held June 5, 2017 [Doc 38].
3. The Court set a Fairness Hearing in this matter for August 7, 2017 [Doc 38].
4. On July 17, 2017, Defendant’s employee, Lamar Briggs, filed an *Objection or Comment* form [Doc. 44] without the prior consent or knowledge of the District.

5. The *Objection or Comment* form [Doc. 44], filed by Lamar Briggs, an employee of the District, contains sensitive academic and disciplinary records of minors sharing identifying information of numerous current (and possibly former) students enrolled in the District.

6. The District did not provide Lamar Briggs, an employee of the District access to confidential student records of minors for the purpose of publishing said confidential records to the public in clear violation of the Family Educational Rights and Privacy Act as codified 20 U.S.C. § 1232g and expanded upon by 34 C.F.R. Part 99. Briggs acted individually, unilaterally and without aid or benefit from the District.

7. The District avers that the *Objection or Comment* form [Doc. 44], filed by Lamar Briggs must be sealed by this Court in order to comply with the mandate of the Federal Educational Rights and Privacy Act which provides that the District may not release educational records or other personally identifiable information contained within educational records without the written consent of the parents. 20 U.S.C.A. 1232g(b)(1). The *Objection or Comment* form [Doc. 44], filed by Lamar Briggs must be sealed by this Court in order to comply with mandatory privacy protection for minors, detailed in Federal Rule of Civil Procedure 5.2.

8. Opposing counsel does not object to this *Emergency Motion to Seal Document* and therefore it is unopposed.

9. Expedited consideration of this motion is requested, pursuant to Local Uniform Civil Rule 7(b)(8).

10. A non-confidential memorandum in support of this motion is attached.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully moves this Court grant its motion and enter an order sealing *Objection or Comment* form [Doc. 44], filed by Lamar Briggs for the reasons stated hereinabove.

RESPECTFULLY SUBMITTED this the 18th day of July, 2017.

FRANKLIN COUNTY SCHOOL DISTRICT

/s/ Lane B. Reed

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CERTIFICATE OF SERVICE

I, Lane B. Reed, one of the attorneys of record for Defendant, Franklin County School District, do hereby certify that I have this date filed via the Case Management/Electronic Case Files (CM/ECF) system, a true and correct copy of the above and foregoing EMERGENCY MOTION TO SEAL DOCUMENT to:

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And by electronic mail to amicus counsel:

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THIS the 18th day of July, 2017.

/s/ Lane B. Reed _____